

**REMARKS**

Claims 1-5 and 11-15 are pending in this application. By this Amendment, claims 1 and 15 are amended to recite features supported in the specification at page 26, lines 15-26. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 1-5, 11-13 and 15 under 35 U.S.C. §103(a) over U.S. Patent 5,043,816 to Nakano *et al.* (hereinafter “Nakano”) in view of U.S. Patent 5,920,349 to Okino *et al.* (hereinafter “Okino”) and further in view of U.S. Patent 6,415,057 to Suzuki *et al.* (hereinafter “Suzuki”). The Office Action further rejects claim 14 under 35 U.S.C. §103(a) over Nakano and Okino in view of Suzuki and further in view of U.S. Patent 5,359,382 to Uenaka *et al.* (hereinafter “Uenaka”). These rejections are respectfully traversed.

Nakano, Okino and Suzuki, alone or in combination, do not teach or suggest an electronic camera including image pick-up means for continuously imaging an object, temporary memory means for temporarily storing plural frames of image data continuously imaged by the image pick-up means, image comprising means for compressing the plural frames of image data stored in the temporary memory means using a uniform compression factor value and generating plural frames of encoded image data, shooting evaluation means for evaluating a good or bad shooting state of the image data imaged by the image pick-up means based on comparison of a data amount of the plural frames of encoded image data compressed by the image compressing means, still image selection means for selecting the image data with a highest evaluation of the shooting evaluation means among the image data stored in the temporary memory means, and image saving means for saving the encoded image data selected by the still image selection means, as recited in claim 1.

Nor do Nakano, Okino and Suzuki, alone or in combination, teach or suggest an electronic camera including a controller that evaluates a good or bad shooting state of continuously imaged image data of an object, the continuously imaged image data as plural frames of image data stored in a temporary memory and the evaluation based on comparison of an encoded data amount of plural frames of encoded image data compressed from the plural frames of image data from the continuously imaged image data, selects an image data with a highest evaluation among the continuously imaged image data, and saves the selected image data, as recited in claim 15.

Nakano discloses an electronic camera having a judging circuit 20 to detect a degree of movement. In particular, Nakano teaches the degree of movement being detected by blurring in the image (col. 13, line 59 – col. 14, line 20, lines 24-29 and Fig. 10 of Nakano).

Further, Okino discloses an electronic camera having an automatic focusing function. In particular, Okino teaches a focusing operation to divide the information of an image into blocks to effect plural focus state determinations. The blocks are subjected to frequency analysis only in the focusing operation before a shot is taken, and a block is selected for compression in an image taking operation (col. 1, lines 59-63, col. 3, lines 42-53, col. 4, lines 31-54, col. 14, lines 43-57 and Fig. 2 of Okino).

Suzuki discloses a method for controlling picture compression. In particular, Suzuki teaches supplying input picture data to a motion detector 38 and a block divider 11 to divide the frames into pixel blocks. Suzuki further teaches subtracting a difference between data in the block divider 11 and routes the output to a changeover switch 13 as encoded frame data (col. 8, lines 43-60 and Fig. 6 of Suzuki).

Applicants respectfully submit that Suzuki discloses compressing the data and prediction of the amount of compression by evaluating the quantity of information of the input image, and further that an optimum quantum step width is set based on the result of the

prediction. Thus, Suzuki teaches a method for finding an optimum compression condition. However, such techniques fail to teach or suggest determining whether the shot image itself is good or bad, as recited in the claims.

Therefore the combination of Nakano, Okino and Suzuki does not teach or suggest compressing means that compress the plural frames of the image data using a uniform compression factor value. In addition, the applied references fail to teach or suggest the shooting evaluation means that evaluate the image data by comparing the data amount of the plural frames of the encoded image data.

Uenaka does not compensate for the deficiencies of Nakano, Okino and Suzuki outlined above. Nor does Uenaka teach, disclose or suggest the additional features recited in claim 14. Uenaka merely discloses an automatic focusing device that calculates a release time lag (col. 8, lines 10-45 of Uenaka).

Further, there would have been no motivation to combine features related to movement detection of Nakano with frequency analysis focusing of Okino, picture compression method of Suzuki and/or time lag calculator of Uenaka. Nor has the Office Action established sufficient motivation for a *prima facie* case of obviousness. Even assuming that motivation to combine the applied references is established, the combination fails to teach or suggest the claimed features.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations (MPEP §706.02(j)). Applicants assert that the Office Action fails to satisfy these requirements.

For at least these reasons, Applicants respectfully assert that the independent claims are patentable over the applied references. The dependent claims are likewise patentable over the applied references for at least the reasons discussed as well as for the additional features they recite. Consequently, all the claims are in condition for allowance. Thus, Applicants respectfully request that the rejections under 35 U.S.C. §103 be withdrawn.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



Mario A. Costantino  
Registration No. 33,565

Gerhard W. Thielman  
Registration No. 43,186

MAC:GWT/gwt

Attachment:

Petition for Extension of Time

Date: September 27, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

|  |
|--|
| <p>DEPOSIT ACCOUNT USE<br/>AUTHORIZATION<br/>Please grant any extension<br/>necessary for entry;<br/>Charge any fee due to our<br/>Deposit Account No. 15-0461</p> |
|--|